

### **REMARKS/ARGUMENTS**

The Applicant thanks the Examiner for the Advisory Action dated July 5, 2007.

#### **Claim Rejections – 35 USC 103(a)**

Claims 1, 19 and 38 have been further amended to specify that the beam is positioned between a liquid inlet and the nozzle opening of the nozzle chamber, in accordance with the preferred embodiment of the invention. This amendment has been made to further clarify the scope of the present invention.

In response to the Examiner's arguments in the Advisory Action, the Applicant maintains that Figure 2 of Kubby clearly discloses the feature of a beam element arranged parallel with a nozzle plate. Referring to Figure 2 of Kubby, there is clearly shown a suspended beam 18. Furthermore, this suspended beam 18 is parallel with a plane of the nozzle plate 14. Indeed, the suspended beam 18 is parallel with and in the same plane as the nozzle plate 14.

The Applicant has been unable to understand how the Examiner is interpreting the teaching of Kubby any differently and seeks clarification from the Examiner if he continues to contest this point.

The Applicant maintains that the Examiner's reference to Campbell for its teaching of "a beam parallel with a plane of a nozzle plate" is unnecessary. The Applicant maintains that Figure 2 of Kubby already discloses this feature.

The point is important because the overall teaching of Kubby to the skilled person is this: if I want to have a suspended beam *fully* surrounded by ink, I need to arrange it perpendicular with a plane of the nozzle plate (*viz.* Figure 5) so as not to interrupt ink flow to the nozzle opening. However, if only one surface of the beam is in contact with ink, I do not need to be concerned with ink flow and can arrange the beam parallel with the plane of the nozzle plate (*viz.* Figure 2).

Kubby evidently had it in mind that his perpendicular arrangement (Figure 5) would not impede ink flow through the nozzle, but this is at the expense of skewed ink ejection. However, the present Applicant has understood that ink flow is not compromised if suspended heater elements are configured appropriately.

Moreover, embedded heater elements, such as those taught by Campbell, give no clues to the skilled person as to how he might arrange a suspended heater element. Obviously a suspended beam parallel with the nozzle is a possibility that might be considered, but Kubby is teaching away from such an arrangement when the beam has both surfaces in contact with ink.

The only teaching of suspended heater elements that can be found in the prior art are in Figures 2 and 5 of Kubby. For a suspended heating element where both surfaces of the beam are on contact with ink, Kubby clearly teaches an arrangement where the heater element is perpendicular to the nozzle plate, presumably so as not to impede ink flow.

The Applicant maintains that there is nothing in the prior art teaching the skilled person to arrange a heater element as specified in the present claims. Accordingly, it is submitted that the present invention is not obvious in view of Kubby, either taken alone or in combination with Campbell.

It is respectfully submitted that all of the Examiner's objections have been successfully traversed. Accordingly, it is submitted that the application is now in condition for allowance. Reconsideration and allowance of the application is courteously solicited.

Very respectfully,

Applicant:



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